

## **REMARKS**

Claims 1-18, 22 and 28-38 are now pending in the application. Claims 1, 5, 12, 15-18, 22, 28, 29 and 33-38 have been amended herein. Claims 3, 29 and 33 have been cancelled herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 22 and 28-30 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Pryor (U.S. Pat. No. 5,380,978). This rejection is respectfully traversed. Applicant respectfully submits that the originally filed claims are patentably distinct over the cited reference.

However, in an attempt to expedite prosecution, Applicant has amended Claim 22 to a method of riveting a connecting element to at least one component. Claim 22 has also been amended to include a light beam emitter connected to a riveting device and also to include employing the riveting device to drive the connecting element into permanent engagement with the component. In addition, Claim 28 has been amended to a method for connecting a connecting element to at least one component. Claim 28 has also been amended to include the light beam emitter being integrated to a connecting device; to include employing the connecting device to connect both the connecting element and the at least one component; and to include joining the connecting element and the at least one component. Support for these amendments can be found in Figs. 1, 2, and the accompanying text. In contrast, Pryor fails to teach or suggest the claim combination of elements especially as amended. More

specifically, Pryor teaches the use of a camera control system to determine the position of target data on a tool controlled by a robotic arm and using photogramatic principles on three or more data points which are compared in a computer program to the actual position that is desired and fails to teach or suggest the connecting or riveting a connecting element to at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ohmi et al. (U.S. Pat. No. 5,609,077). This rejection is respectfully traversed. Applicant respectfully submits that the originally filed claims are patentably distinct over the cited reference.

However, in an effort to expedite prosecution, Applicant has amended Claim 1 to include a reference point on the at least one component and to include the connecting element comprises at least one of a rivet, a punch rivet, a blind rivet, a weld stud and a clip. Support for this amendment can be found in Figs. 1, 2, and accompanying text. In contrast, Ohmi et al. fails to teach or suggest a claimed combination of elements especially as amended. For example, Ohmi et al. actually teaches away from Applicant's claimed invention. More specifically, Ohmi et al. teaches in Fig. 8a, a tightening device which is adapted to detect the amount of tightening of a nut in terms of the placement of the nut relative to an externally threaded member using a displacement sensor. The displacement sensor which employs a light beam to measure the displacement of the nut as it is tightened and does not direct the light beam toward a reference position on at least one component. Ohmi et al. fails to teach or suggest directing a light beam toward a reference point on at least one component

and at least one connecting element connectable to the at least one component at the reference point wherein the connecting element comprises at least one of a rivet, a blind rivet, a weld stud and a clip. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Claims 1-6, 10-18, 31, 33, 34, 36 and 37 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Stegmann et al. (U.S. Pat. No. 6, 415,050 B1). This rejection is respectfully traversed. Applicant respectfully submits that the originally filed claims are patentably distinct over the cited reference.

However, in an attempt to expedite prosecution, Applicant has amended Claims 1, 15, and 17. Claim 1 has been amended to include the reference point on the at least one component and to include the connecting element comprises at least one of a rivet, a punch rivet, a blind rivet, a weld stud and a clip as discussed above. Furthermore, Claim 15 has been amended to a connecting apparatus and to include the connecting element comprises at least one of a rivet, a punch rivet, a blind rivet, a weld stud and a clip. In addition, Claim 17 has been amended to a riveting apparatus and to include the connecting element comprises at least one of a rivet, a punch rivet, a blind rivet, a weld stud and a clip. Support for these amendments can be found in Figs. 1, 2, and accompanying text. In contrast, Stegmann et al. fails to teach or suggest the claimed combination of elements especially as amended. For example, Stegmann et al. teaches methods to position a two-dimensional CAD design on a three-dimensional object. These methods require the use of computer software and a computer for displaying a two-dimensional CAD design onto a three-dimensional object. Stegmann et al. teaches the use of manual calibration of a three-dimensional software to

calibration points on the three-dimensional object which can be simple visible elements such as bolts and rivets. Stegmann et al. fails to teach or suggest any means of connecting or riveting a connecting element to at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 32, 35 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stegmann et al. (U.S. Pat. No. 6,415,050 B1). This rejection is respectfully traversed. Applicant respectfully submit that the original claims are patentably distinct over the cited reference.

Applicant wishes to state that the Examiner has failed to establish a *prima facie* case of obviousness as required by *Graham v. John Deere Co.*, 148 USPQ 459 (1966) and MPEP § 2141. Specifically, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) *The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;*
- (C) *The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and*
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

### **MPEP § 2141.01**

Statements and modifications of prior art to meet the claimed invention would be “well within the ordinary skill of the art at the time the claim of invention is made” because the references relied upon teach all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of

obviousness without some objective reason to combine teachings of the references. Since Stegmann et al. fails to teach or suggest any means of connecting or riveting a connecting element to at least one component, any combination of knowledge of one skilled in the art would not be a proper combination sufficient to establish a *prima facie* obviousness. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

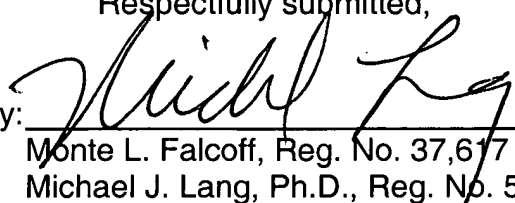
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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